

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicants appreciate the Examiner's consideration of the Application. Claims 1-44 are pending in the Application and stand rejected. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-4, 6-9, 11-14, and 16-44 as being unpatentable over U.S. Patent Application Publication No. 2005/0053068 A1 of Toth et al. ("*Toth*") in view of U.S. Patent Application Publication No. 2004/0266388 A1 of Maes ("*Maes*"); and Claims 5, 10, and 15 as being unpatentable over *Toth* and *Maes* in view of the Patent Cooperation Treaty (PCT) application WO 03/039024 A2 of Rodriguez Gil et al. ("*Rodriguez*"). Applicants respectfully traverse this rejection for the reasons discussed below.

The combination of *Toth* and *Maes* proposed by the Examiner fails to disclose, teach, or suggest "directing an enabler mobile to facilitate delivery of the multicast content to the user device using the bearer path, the enabler mobile located in the cell, the enabler mobile distinct from a base station," as recited in Claim 1.

The Examiner relies on the service enablers of *Maes*, as described in passages of paragraphs 0024 and 0042 of *Maes*, to teach "the enabler mobile located in the cell, the enabler mobile distinct from a base station." (Final Office Action, page 3, paragraph 3 – page 4, paragraph 1.)

The passages cited by the Examiner merely indicate that an enabler may be located in an access provider's network:

In some instances, the driver may adapt the communication to the format supported by an enabler located in the access provider's network.

(*Maes*, paragraph 0042.)

For instance, wireless technology formats that may be used by an access provider include Code Division Multiple Access (CDMA), Global System for Mobile Communication (GSM), WiFi (IEEE 802.11), General Packet Radio Service (GPRS), and other wireless network technologies.

(*Maes*, paragraph 0024.) According to *Maes*, an access provider “may be a mobile network operators (MNO), or a wireless network provider, such as a provider of WLAN (Wireless LAN) technology (e.g., WiFi provider).” *Maes*, paragraph 0020. The passages, however, fail to disclose, teach, or suggest “the enabler mobile located in the cell, the enabler mobile distinct from a base station,” as recited in Claim 1.

For at least the foregoing reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For at least similar reasons, Applicants also respectfully request reconsideration and allowance of independent Claims 6, 11, 16, 18, 20, 22, 24, 26, 28, 33, 38, 43, and 44 and their dependent claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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